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06-1195

IN THE

Supreme Court of the United States

LAKHDAR BOUMEDIENE, *et al.*,

Petitioners,

—v.—

GEORGE W. BUSH, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

RESPONDENT'S BRIEF IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

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Respondent, Ridouane Khalid, respectfully submits this brief in support of the Petition for a Writ of Certiorari by Lakhdar Boumediene, Mustafa Ait Idir, Belkacem Bensayah, Hadj Bousella, Saber Lahmar, and Mohamed Bechla ("Boumediene Petitioners"). Respondent, like the Boumediene Petitioners, was a party in the underlying proceedings before the United States District Court for the District of Columbia (App. 55a) and an appellant before the United States Court of Appeals for the District of Columbia Circuit. App. 1a. Based on the facts set forth herein and record below, Respondent Khalid responds to the Petition for Writ of Certiorari by stating that he joins therein and requests any relief the Court may award the Boumediene Petitioners. Respondent Khalid seeks review of the decision of the Court of Appeals on the same questions presented in the petition.

STATEMENT OF FACTS

Mr. Khalid is a citizen of France. He was seized by Pakistani authorities in December 2001 and shortly thereafter was transferred to the custody of the United States. App. 55a. He was transported to the United States Naval Base at Guantanamo Bay, Cuba in early 2002 and was detained there until March of 2005. *Id.* He was subsequently repatriated to France for prosecution by French authorities.[1]

On July 6, 2004, following the Supreme Court's decision in *Rasul v. Bush*, 542 U.S. 466 (2004), Respondent Khalid filed a Petition for a Writ of Habeas Corpus in

[1] Mr. Khalid's release to French authorities does not render his appeal moot. Mr. Khalid's petition for writ of habeas corpus was filed while he was still in the United States' custody, and since his release he has continued to suffer collateral injuries—*e.g.*, further detention in France—as a result of his detention in Guantanamo. *See Carafas v. LaVallee*, 391 U.S. 234 (1968).

the United States District Court for the District of Columbia. In short, Mr. Khalid's petition alleges that he is being held in violation of Article I, the Fifth Amendment, and the War Powers Clause of the United States Constitution, as well as the Alien Tort Claims Act (28 U.S.C. § 1350), the Administrative Procedures Act (5 U.S.C. § 706(2)), Articles 4 and 5 of Geneva Convention III, Geneva Convention IV, Articles 9 and 14 of the International Covenant on Civil and Political Rights, and Articles XXVIII, XXV, and XXVI of the American Declaration on the Rights and Duties of Man. The United States moved to dismiss the habeas petitions of Respondent Khalid and the Boumediene Petitioners. On January 5, 2005, the district court granted the government's motion and declined to issue a writ of habeas corpus for Respondent Khalid.

Respondent Khalid filed a notice of appeal with the Court of Appeals for the District of Columbia Circuit on February 22, 2005. Mr. Khalid's appeal of the District Court's decision was consolidated with the appeal of the Boumediene Petitioners. The Court of Appeals heard the appeals of the Boumediene Petitioners and Respondent Khalid at the same time as *Al Odah, et al. v. United States*, Nos. 05-5064, *et al.* The appeals of the Boumediene Petitioners and Respondent Khalid were not consolidated with *Al Odah*, however. The subsequent procedural history of Mr. Khalid's appeal is identical to that set forth in the Petition for Writ of Certiorari, to which Mr. Khalid respectfully refers the Court. On February 20, 2007, the Court of Appeals panel vacated the district court judgment and dismissed the case for lack of jurisdiction.

CONCLUSION

On the basis of the forgoing facts, Respondent Khalid joins in the arguments presented in the Boumediene Petition and respectfully requests that the Court grant a Writ of Certiorari to review the judgment of the United States Court of Appeals for the District of Columbia Circuit.

Respectfully submitted,

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